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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,850	08/04/2003	Shinji Kobayashi	900-471	3441
23117	7590	08/30/2005	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			DINH, PAUL	
			ART UNIT	PAPER NUMBER
			2825	

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/632,850

Applicant(s)

KOBAYASHI, SHINJI

Examiner

Paul Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/4/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

This is a response to the election filed on 8/4/05. The examiner acknowledges:

The election of product group I claims 1-7 without traverse.

The non-elected method claim 8 is retained for possible divisional application.

Thus, claim 8 is withdrawn from further consideration.

The applicant is required to cancel the non-elected claim in the next communication, the restriction is final.

### Claim Objections

In claim 1, line 1; "multiple exposure" should be changed to - - multiple exposures - -.

### *Claim Rejections - 35 USC § 112*

*The following is a quotation of the first paragraph of 35 U.S.C. 112:*

*The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.*

Claim 1-7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 is rejected because the combination of limitations "a mask pattern under a design having the width of an aperture pattern smaller than the width of a light-shielding pattern" on lines 3-5 and "the mask pattern under a design having the width of an aperture pattern greater than the width of a light-shielding pattern" on lines 6-8 finds no clear support in the specification.

Claims 2-7 are rejected because they depend from on claim 1.

*The following is a quotation of the second paragraph of 35 U.S.C. 112:*

*The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.*

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 is rejected because:

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a. The phrase "**as in case**" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

b. The combination of limitations "a mask pattern under a design having the width of an aperture pattern smaller than the width of a light-shielding pattern" on lines 3-5 and "the mask pattern under a design having the width of an aperture pattern greater than the width of a light-shielding pattern" on lines 6-8 is unclear, does not make sense, contradicting, and thus indefinite.

c. It is not clear that "mask pattern" on line 1 is the same as "mask pattern" on line 3. Claim 1 must define any differences between these two for clarification and add "said/the" and "first/second" to these two accordingly for clarification.

d. It is not clear that "pattern pitch" on line 2 is the same as "pattern pitch" on line 6. Claim 1 must define any differences between these two for clarification and add "said/the" and/or "first/second" to these two accordingly for clarification.

e. It is not clear that "aperture pattern" on line 4 is the same as "aperture pattern" on line 7. Claim 1 must define any differences between these two for clarification and add "said/the" and/or "first/second" to these two accordingly for clarification.

f. It is not clear that "light-shielding pattern" on lines 4-5 is the same "light-shielding pattern" on line 8. Claim 1 must define any differences between these two for clarification and add "said/the" and/or "first/second" to these two accordingly for clarification.

Claims 2-7 are rejected because they depend from claim 1.

Claims 2-3 are rejected because it is not clear that "the mask pattern" in these claims refer to "mask pattern" on line 1 of claim 1 or "mask pattern" on line 3 of claim 1.

Claims 4-5 are rejected because it is not clear that "the aperture pattern" in these claims refer to "aperture pattern" on line 4 of claim 1 or "aperture pattern" on line 7 of claim 1.

Claims 6-7 are rejected because it is not clear that "the light-shielding pattern" in these claims refer to "light-shielding pattern" on lines 4-5 of claim 1 or "light-shielding pattern" on line 8 of claim 1.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Dinh whose telephone number is 571-272-1890. The examiner can normally be reached on Monday to Friday from 8:30am to 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Smith can be reached on 571-272-1907. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul Dinh  
Patent Examiner

A handwritten signature in black ink that reads "Paul Dinh". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.